IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M.H.S. ANSARI

AND
THE HON'BLE SRI JUSTICE T.Ch.SURYA RAO

WRIT PETITION No.1140 of 2005

Between:

K.Prasad, S/o.Subba Rao,
R/o.D.No.73-3/1-7, Patamata, Vijayawada,
Krishna District.

..... PETITIONER

AND

The Deputy Transport Commissioner & Secretary,

Road Transport Authority, Govt., of Andhra Pradesh,

Krishna District at Vijayawada.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandmaus, declaring the action of the respondent in not receiving the Quarterly Road Tax for the period of 3 months from January to March, 2005 to the petitioner's Lorry bearing Registration No.AP 16-TT 5756 without payment of alleged compounding fee in the absence of any specific order to that effect is arbitrary, unreasonable and consequently direct the respondent to receive the quarterly Road Tax for the period of 3 months from January to March, 2005 to the petitioner's Lorry bearing Registration No.AP 16-TT 5756 without insisting of alleged compounding fee and for subsequent periods also by issuing respective Tokens therefor.

Counsel for the Petitioner: Mr.M.KONDAL RAO

Counsel for the Respondent: G.P. FOR TRANSPORT

The Court at admission stage made the following :

ORAL ORDER: (per Sri Justice M.H.S.Ansari)

The petitioner has sought directions against the respondent not to insist upon payment of compounding fee in the absence of any specific order being passed in that behalf. The further grievance of the petitioner is that the respondent – authorities are not receiving the quarterly road tax from the petitioner on the alleged ground that compounding fee has not been paid.

By our interim order dated 31-1-2005, directions were issued to the respondent to receive the tax without insisting upon payment of penalty (compounding fee).

In such view of the matter, nothing survives for consideration in the instant writ petition. The same is accordingly closed. This order will not preclude the petitioner from questioning the orders that may be passed pursuant to the show cause notice in accordance with law and subject to the remedies available to the petitioner at law.

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(M.H.S.ANSARI, J.)

22nd February 2005.

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(T. Ch. SURYA RAO, J.)

ARS

To

1) The Deputy Transport Commissioner & Secretary,

Road Transport Authority, Govt., of Andhra Pradesh,

Krishna District, Vijayawada.

2)Two C.Cs to G.P. for Transport, High Court Bldgs., Hyderabad (OUT).

3)Two CD copies.